



1139 South Fourth Street • Louisville, KY 40203 • Phone 502.625.3009 • Fax 502.625.3077

June 10, 2009

Mr. Alan Grant  
Kentucky Division of Water  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

**Subject: Request for Water Quality Certification  
Plantside Drive Expansion & Hosts Development Property – Phase I  
Jefferson County, Kentucky  
Redwing Project 07-090-01  
USACE ID# LRL-2008-507-teh**

Dear Mr. Grant

On behalf of Hollenbach-Oakley, Redwing Ecological Services, Inc. (Redwing) respectfully submits this Request for Water Quality Certification for the Plantside Drive Expansion and Hosts Development Property – Phase I project in Jefferson County, Kentucky. The approximately 25-acre site is located southwest of Plantside Drive in eastern Jefferson County approximately 0.2 mile east of Tucker Station Road (Figures 1 and 2). The proposed project involves the expansion of Plantside Drive from its eastern terminus to Rehl Road, and the commercial development of Phase I of the Hosts Development Property (Figure 2).

#### **BACKGROUND**

On October 8, 2009, a Preconstruction Notification for Nationwide Permits 14 and 39 was submitted to the U.S. Army Corps of Engineers (USACE), requesting that the activities be authorized as two separate projects. On November 4, 2008, the USACE issued a permit for the project, authorizing the activities under one Nationwide Permit 39 (Appendix A).

In conjunction with this request, a Request for NWP 39 Modification is being submitted to the USACE for impacts to an additional 447 feet of ephemeral stream. This Request for Water Quality Certification addresses impacts associated with the original USACE permit and the modification request.

## PROPOSED IMPACTS

Jurisdiction waters within the project area include 357 feet (0.032 acre) of intermittent stream, 1,599 feet (0.045 acre) of ephemeral stream, 0.028 acre of wetland, and 1.04 acre of open water (Figure 3). The proposed project would result in impacts to 357 feet (0.032 acre) of intermittent stream, 1,599 feet (0.045 acre) of ephemeral stream, and 0.028 acre of wetland (Figure 4). Waters/wetlands on the project site and total project impacts are summarized in the following table.

Feature	Existing		Impacts	
	Length (ft)	Area (ac)	Type	Length (ft) Area (ac)
Intermittent Stream 5	357	0.032	Culvert	357 0.032
Intermittent Stream Total	357	0.032		357 0.032
Ephemeral Stream 19	408	0.009	Fill	408 0.009
Ephemeral Stream 24	154	0.005	Fill	154 0.005
Ephemeral Stream 26	367	0.008	Fill/Culvert	367 0.008
Ephemeral Stream 30	670	0.023	Fill	670 0.023
Ephemeral Stream Total	1,599	0.045		1,599 0.045
Wetland 6	----	0.028	Fill	---- 0.028
Wetland Total		0.028		
Open Water Pond 2	----	1.04	No Impact	---- 0
Open Water Total		1.04		0
Total Jurisdictional Waters	1,956	1.145		1,956 0.105

## MITIGATION

As specified in the USACE permit, mitigation for the proposed impacts consists of a payment of \$64,260 to the Kentucky Department of Fish and Wildlife Resources for the Kentucky Stream and Wetland Mitigation Program, and the construction of on-site stormwater management facilities.

## SUMMARY

In summary, this document serves as an Application for WQC for the Plantside Drive Expansion and Hosts Development Property – Phase I project. An Application for WQC form has been attached as Appendix B. We appreciate the opportunity to work with you on this project. Please contact Richard Clausen or Laura Darrell at (502) 625-3009 with any questions you have during your review of this application or the overall project.

Sincerely,

*Laura & Darrell*  
Laura A. Darrell  
Staff Ecologist *by mc*

File: 07-090-01-WQC-PlantSide-WQC Request

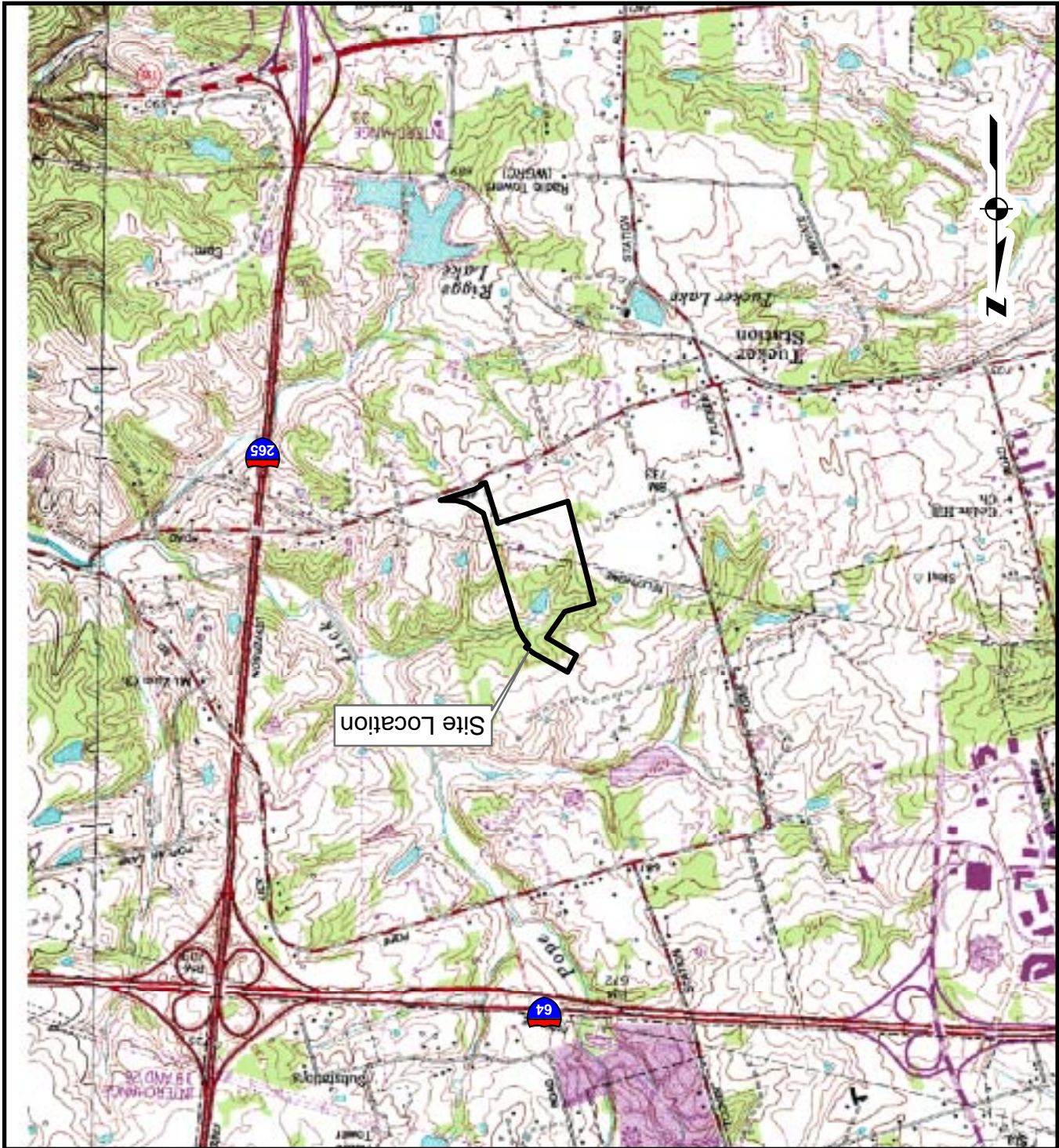
*[Signature]*  
Richard S. Clausen  
Principal  
Senior Ecologist

cc: Mr. Bobby Raia – Hollenbach-Oakley  
Mr. Justin Ray – Mindel Scott and Associates, Inc. (digital)

Attachments: Figure 1 – Site Location Map  
Figure 2 – Aerial Photograph  
Figure 3 – Water/Wetland Location Map  
Figure 4 – Proposed Site Plan  
Appendix A – USACE Permit (LRL-2008-507-ten)  
Appendix B – Application for Water Quality Certification

## FIGURES





0 2,000 4,000 6,000 8,000 Feet

REQUEST FOR PERMIT MODIFICATION -  
PLANTSIDE DRIVE EXPANSION  
AND HOSTS DEVELOPMENT - PHASE I  
JEFFERSON COUNTY, KENTUCKY

FILE: 07-090-1/Figures/ModRequest-SiteLocation

REDWING PROJECT 07-090-1

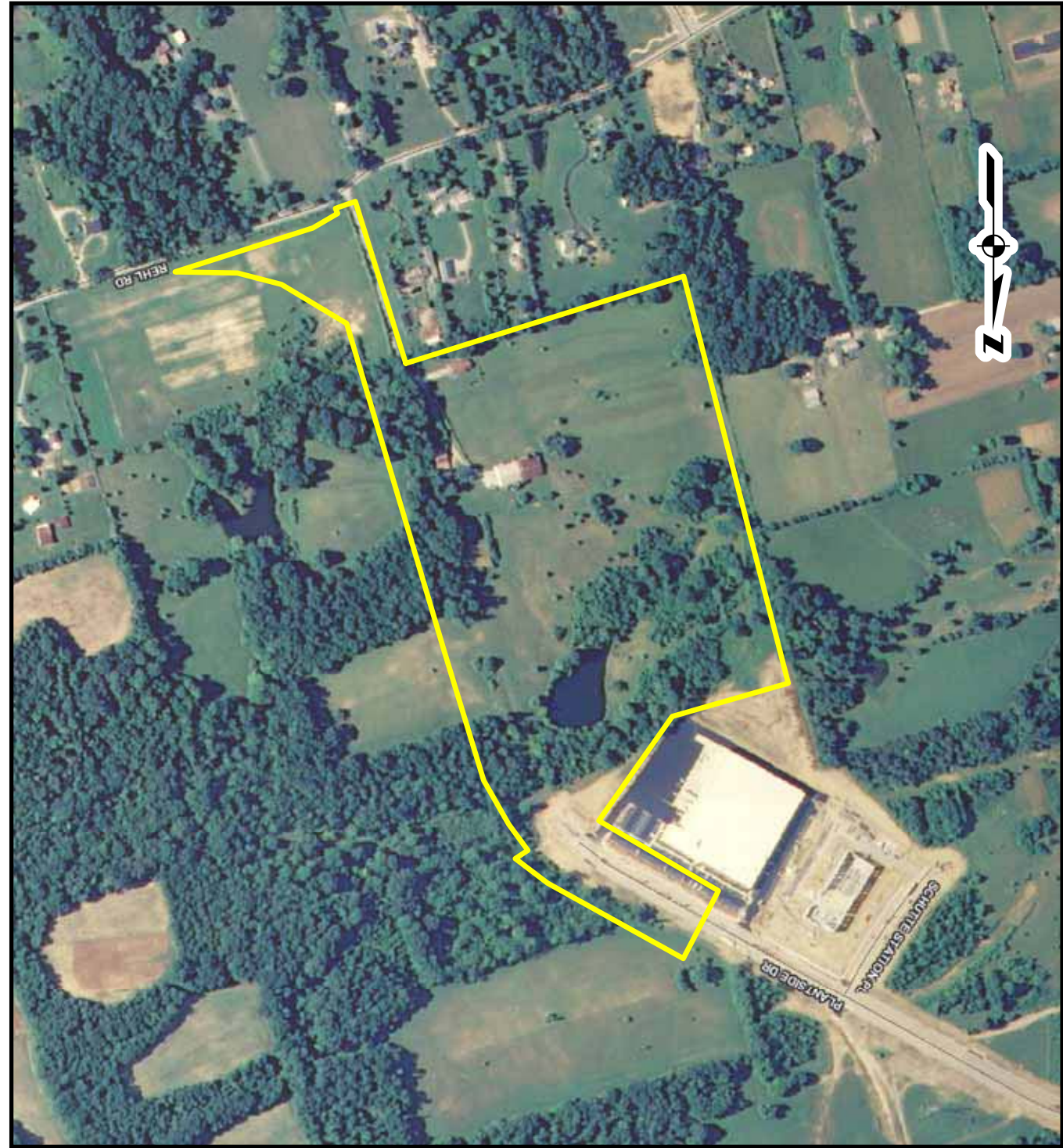
REVISED DATE: 5/11/09 DRAWN BY: LAD



SITE LOCATION MAP

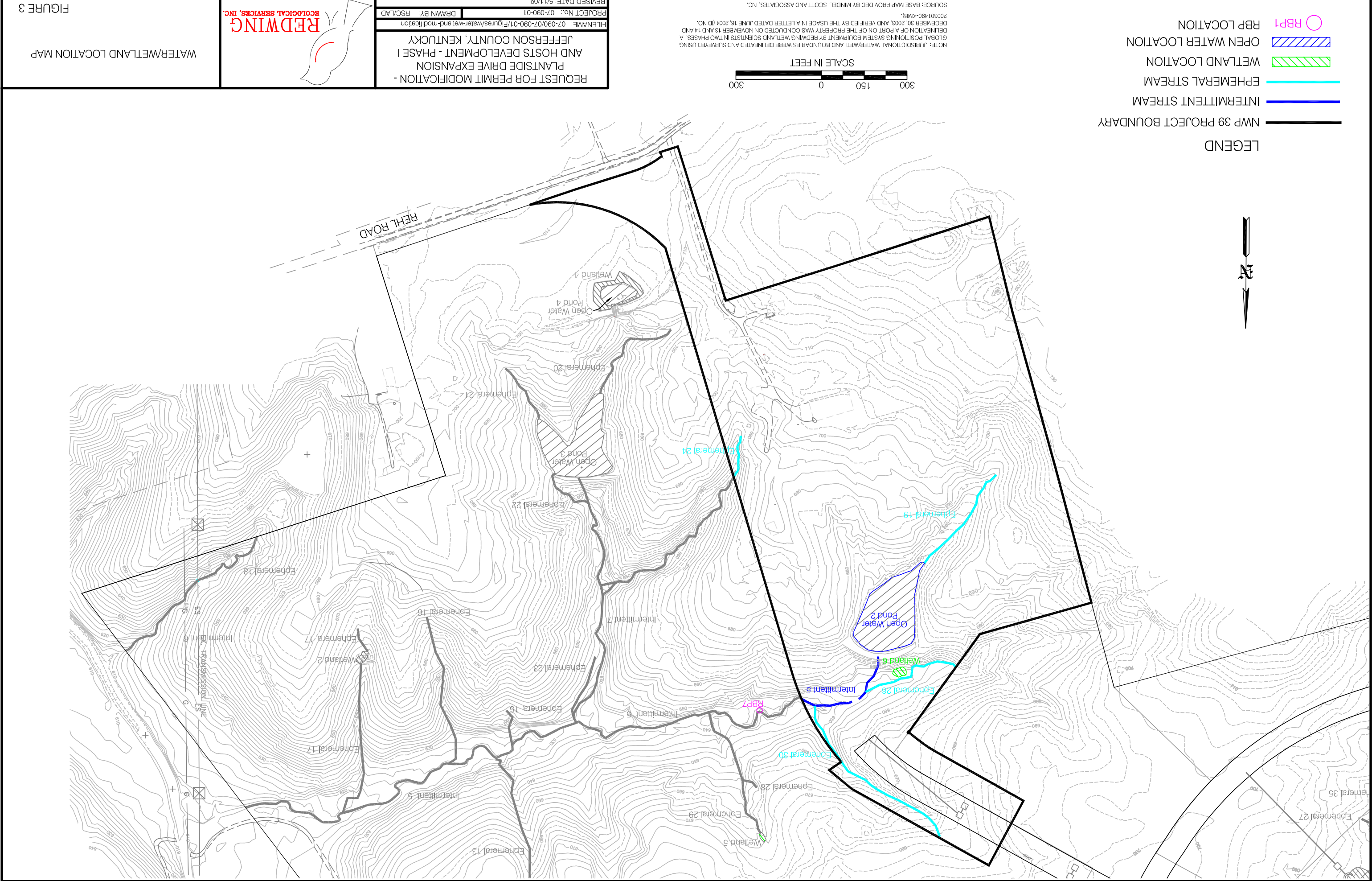
FIGURE 1





0 500 1,000 1,500 2,000 Feet





NOTE: JURISDICTIONAL WATERWETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS IN TWO PHASES. A DELINEATION OF A PORTION OF THE PROPERTY WAS CONDUCTED ON NOVEMBER 13 AND 14 AND DECEMBER 30, 2003, AND VERIFIED BY THE USACE IN A LETTER DATED JUNE 16, 2004 (ID NO. 220301490-K/MB).

SOURCE: BASE MAP PROVIDED BY MINDEL, SCOTT AND ASSOCIATES, INC.

REQUEST FOR PERMIT MODIFICATION -  
PLANTSIDE DRIVE EXPANSION  
AND HOSTS DEVELOPMENT - PHASE I  
JEFFERSON COUNTY, KENTUCKY

FILENAME: 07-090/07-090-01/Figures/water-wetland-modification  
PROJECT No.: 07-090-01  
DRAWN BY: RSC/LAD



WATER/WETLAND LOCATION MAP





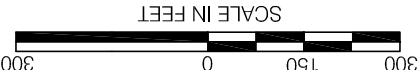
REQUEST FOR PERMIT MODIFICATION -  
PLANTSIDE DRIVE EXPANSION  
AND HOSTS DEVELOPMENT - PHASE I  
JEFFERSON COUNTY, KENTUCKY

FILENAME: 07-090/07-090-01/figures/water-wetland-modification  
PROJECT No.: 07-090-01  
DRAWN BY: RSC/LAD

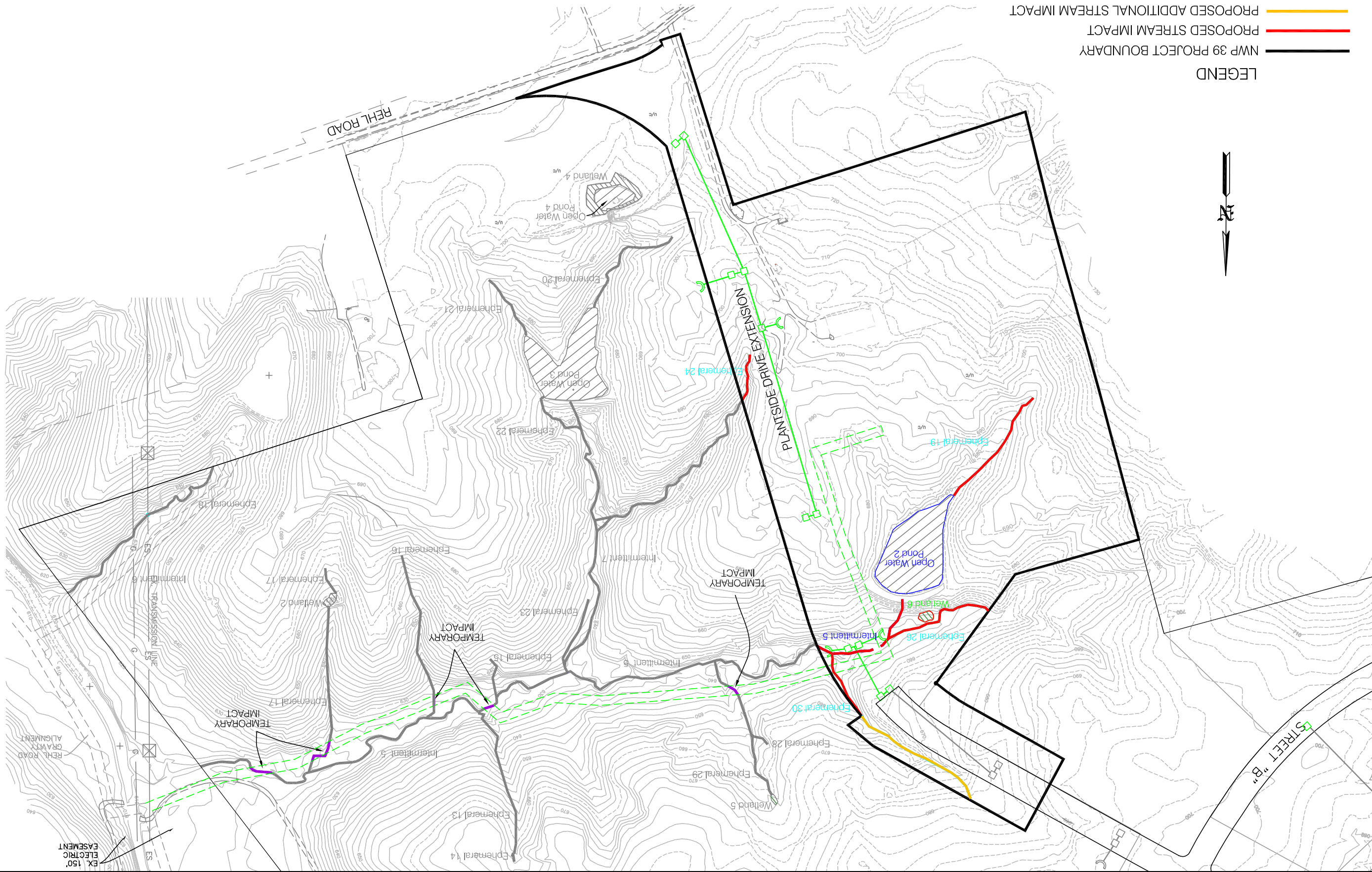
REVISED DATE: 5/11/09

NOTE: JURISDICTIONAL WATERWETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS IN TWO PHASES. A DECEMBER 30, 2003, AND VERIFIED BY THE USAGE IN A LETTER DATED JUNE 16, 2004 (ID NO. 200301490-KMB).

SOURCE: BASE MAP PROVIDED BY MINDEL, SCOTT AND ASSOCIATES, INC.



- LEGEND
- NWP 39 PROJECT BOUNDARY
  - PROPOSED STREAM IMPACT
  - PROPOSED ADDITIONAL STREAM IMPACT
  - PROPOSED TEMPORARY IMPACT
  - PROPOSED SEWERLINE
  - PROPOSED ROAD EXPANSION
  - PROPOSED WETLAND IMPACT
  - OPEN WATER LOCATION





## **APPENDIX A –**

### **DEPARTMENT OF THE ARMY PERMIT**

November 4, 2008



**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS

P.O. BOX 59  
LOUISVILLE, KENTUCKY 40201-0059  
FAX: (502) 315-6677  
<http://www.k.usace.army.mil>

November 4, 2008

Operations Division  
Regulatory Branch (FS)  
ID No. IRL-2008-507-leh

Hollenback - Oakley  
Attn: Mr. Bobby Raia  
P.O. Box 7368  
Louisville, Kentucky 40257

Dear Mr. Raia:

This is in regard to your October 06, 2008, application requesting authorization for the discharge of fill material to facilitate the construction of a commercial facility within Phase 1 of the Hosts Development Property within the Industrial Park located southwest of Plantside Drive in Louisville, Jefferson County, Kentucky. The proposed impacts for the facility would include 1,152 feet of unnamed ephemeral tributaries, 357 feet of intermittent tributary and 0.028 acres of wetland. The streams are tributaries of Pope Lick, a tributary of Floyds Fork of the Salt River. A conceptual mitigation plan has been included in the application to offset the permanent impacts of ephemeral streams with construction of on-site stormwater facilities. Permanent impacts of intermittent streams would be off-set with the use of an in-lieu fee payment to the Kentucky Department of Fish and Wildlife Resources. This fund will be used for the preservation or the restoration and/or enhancement of degraded streams. We have reviewed the submitted data to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Based upon our review of the submitted data, your proposal would qualify for Nationwide authorization under 33 CFR 330 Nationwide Permit No. 39 Commercial and Institutional Developments, as published in the Federal Register March 12, 2007, provided you comply with the enclosed General Conditions, and the following special condition:

- 1) The permittee shall adhere to the project plans and specifications included in the October 06, 2008, application for Department of the Army Permit.
- 2) The permittee shall pay an in-lieu mitigation fee to the Kentucky Department of Fish and Wildlife Resources for the Kentucky Stream and Wetland Mitigation Trust Fund. Written proof of payment must be provided to the U.S. Army Corps of Engineers, Louisville District prior to conducting work in "waters of the United States". The enclosed ILF Payment Form should be provided to the Kentucky Department of Fish and Wildlife Resources along with the in-lieu fee payment to:



Kentucky Dept. of Fish & Wildlife Resources  
 Environmental Section Chief  
 #1 Game Farm Road  
 Frankfort, KY 40601

The in-lieu fee calculation utilizes an in-lieu fee base rate, linear footage, flow regime, water quality and a flat 20 percent adjustment for temporal and cumulative losses to formulate each respective fee amount.

Stream Rates for In-Lieu Fee				
Quality	Stream Flow			Habitat Type Quality
	Ephemeral	Intermittent	Perennial	
Excellent	1.00	2.00	3.00	Intermittent average
Average	0.75	1.50	2.25	
Poor	0.50	1.00	1.50	
Compensatory Mitigation Ratio				
				1.5
Length				
				357
amount				
				\$35.5
rate per running foot				
				\$100.00
rate per stream reach				
				\$53,550.00
(Temporal Loss/Cumulative Effects) 20%				
				\$10,710.00
In-Lieu Fee				
				\$64,260.00

This authorization will be effective as soon as we receive your signed acceptance of the conditions. Please sign and date the duplicate copy of this letter in the space provided and return the signed copy in the enclosed envelope. Note that we also perform periodic inspections to ensure compliance with our permit conditions and applicable Federal laws.

You must also obtain an individual State 401 Water Quality Certification (WQC) or waiver from the Kentucky Division of Water. You may contact them directly at the following address:

Kentucky Division of Water  
 Water Quality Certification Branch  
 14 Reilly Road  
 Frankfort, Kentucky 40601

Once you have obtained your certification or a waiver, you may proceed without further contact or verification from us.

This decision is valid for 2 years from the date of this letter. The enclosed Compliance Certification should be signed and returned when the project is completed. If your project is not completed within this 2-year period or if your project is modified, you must contact us for another permit determination. A copy of this letter is being sent to your agent and to the KDOW WQC 401.

If you have any questions, please contact this office by writing to the above address, ATTN: CHAIRL-OF-FS or by calling me at 502-315-6683. Any correspondence on this matter should refer to our ID No. LRL-2008-507-teh.

Sincerely,



Todd Hagman  
Project Manager  
Regulatory Branch  
South Section

(I accept the conditions of this authorization)

Hollenbach-Oakley  
Attn: Bobby Raia

\_\_\_\_\_  
Date



## APPENDIX B –

### APPLICATION FOR WATER QUALITY CERTIFICATION

COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM  
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.*

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Erosion/Management Section of the KDOW. This general permit will require you to create and implement an erosion control plan for the project.

1. OWNER: Mr. Greg Oakley, Hollenbach-Oakley

Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: P.O. Box 7368

Louisville, KY 40257

TELEPHONE #: (502) 253-1200

EMAIL: greg@hollenbach-oakley.com

2. AGENT: Richard Clausen, Redwing Ecological Services, Inc.

Give name of person(s) submitting application, if other than owner.

ADDRESS: 1139 South Fourth Street

Louisville, Kentucky 40203

TELEPHONE #: 502-625-3009

EMAIL: rclausen@redwing-wi.net

3. ENGINEER: Justin Ray, Minsdel Scott, and Associates, Inc.

Contact Division of Water if water can be granted.

P. E. NUMBER: 25357

TELEPHONE #: 502-485-1508

EMAIL: justin@minsdelscott.com

4. DESCRIPTION OF CONSTRUCTION:

Describe the type and purpose of construction and describe stream impact.

The proposed Plantside Drive Expansion and Hards Development Property - Phase I project involves the extension of Plantside Drive from its eastern terminus, and development activities on the Phase I property to prepare the site for a commercial tenant.

5. COUNTY: Jefferson NEAREST COMMUNITY: Jeffersonton
6. USGS QUAD NAME: Jeffersonton LATITUDE/LONGITUDE: N 38.207 W 85.520
7. STREAM NAME: Tributaries to Pope Lick
- WATERSHED SIZE (in acres): Less than 30 acres
8. LINEAR FEET OF STREAM IMPACTED: 357 linear feet of intermittent stream, 1,599 linear feet of ephemeral stream

9. DIRECTIONS TO SITE:

From Louisville, I-64 East to Blankenship Parkway (Exit 17). Take the off-ramp going south. After about 1.4 mile, turn left onto Plantside Drive. After about 0.9 mile, you will reach the terminus of the road, which is at the northern end of the site.



10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? \_\_\_\_\_ No \_\_\_\_\_ If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: \_\_\_\_\_

11. ESTIMATED BEGIN CONSTRUCTION DATE June 2009 \_\_\_\_\_

12. ESTIMATED END CONSTRUCTION DATE: June 2010 \_\_\_\_\_

13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS OF ENGINEERS? X Yes    No If yes, attach a copy of that permit.

14. THE APPLICANT MUST ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

\_\_\_\_\_ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)  
\_\_\_\_\_ Adjacent property owner(s) affidavit(s) (Contact Division of Water for requirements)

(b)    X    I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

\_\_\_\_\_ A Stream Construction Permit has been issued for the project (Permit No. 17257) and expires on July 15, 2009.  
\_\_\_\_\_  
\_\_\_\_\_

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:  
\_\_\_\_\_  
\_\_\_\_\_

(Give name and title of person(s) contacted and provide copy of any approval city or county may have issued):  
\_\_\_\_\_  
\_\_\_\_\_

16. LIST OF ATTACHMENTS:

\_\_\_\_\_ Site Location Map, Aerial Photograph, Water/Wetland Location Map, Proposed Site Plan  
\_\_\_\_\_ List plans, profiles, or other drawings and data submitted. Attach a copy of a 1:5 minute USGS  
topographic map clearly showing the project location.

17. I, GREG OWLEY (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (including, for dams, the area that would be impounded during the design flood).

18. REMARKS: \_\_\_\_\_

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all of the information provided is true and correct.

SIGNATURE: \_\_\_\_\_

Owner or Agent in Charge (If signed by an Agent, a Power of Attorney should be attached.)

DATE: \_\_\_\_\_

6/5/09

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: \_\_\_\_\_

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: \_\_\_\_\_

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section  
Division of Water  
200 Fair Oaks Lane  
Fourth Floor  
Frankfort, Kentucky 40601